



MAYOR AND COUNCIL AGENDA

NO. **7(A)** DEPT.: / Police

DATE: July 21, 2004

ACTION: Award a contract based on the Commonwealth of Virginia contract #VA030700-ASAP

TO: ASAP Software

OF: Buffalo Grove, IL

Amount: \$49,093.00

For: Reverse 911 Interactive Community Notification System

ACTION STATUS:

FOR THE MEETING OF: 7/26/04

INTRODUCED

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER

SECTION

☒ **CONSENT AGENDA**

RECOMMENDATION: Staff recommends award of a contract in the amount of \$49,093.00 based on the Commonwealth of Virginia Contract # VA030700-ASAP.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

Adequate funding is available through the COPS Technology Grant account #420-750-1C01-0424 to fund this contract through FY04(Grant Draw Account)

BACKGROUND: The Rockville City Government has been responsible for communication to the citizens of Rockville. A new system has been developed called the REVERSE 911 Interactive Community Notification System. This system does not work with our Emergency Operations Center (911). As the name states, "Reverse 911", is a system that gives communities the ability to send out emergency notifications or community information through designated phone lines.

The Reverses 911 System is a software system that can be specifically designed to meet the needs of the community. The REVERSE 911 Notification System can report information about criminal activities to specific geographical areas, report community events, neighborhood crime statistics, road conditions or closings, a HAZMAT emergency and other vital information. In the case of a natural disaster or terrorist threat, the system utilizes the "MASSCALL" component. The system can make several thousand emergency notifications via telephone lines in a matter of minutes.

The system can be used to check on special needs of citizens or victims of domestic violence. By entering a victim into the system, the victim is contacted through an automated dial and prompted to reply. If no response is made in a timely manner, the system alerts the communications operator and a police officer is dispatched.

This system will greatly improve the technology in the City of Rockville and can assist the citizens by communicating information utilizing geographical locations; neighborhood groups or user defined groups.

PREPARED BY:

Cpl Marlene Didone

Marlene Didone, Police Corporal

CONCUR:

Eileen Morris

Eileen Morris, Contract Manager

7/21/2004

APPROVE:

T.N. Treschuk

T.N. Treschuk, Chief of Police

7-19-04

Date

Catherine Tuck-Parrish

Catherine Tuck-Parrish, Acting City Manager

7/21/04

Date

LIST OF ATTACHMENTS:



DEPARTMENT OF POLICE

Douglas M. Duncan
County Executive

J. Thomas Manger
Chief of Police

July 9, 2004

T. N. Treschuk
Chief of Police
City of Rockville
111 Maryland Avenue
Rockville, MD 20850-2364

Re: your letter dated June 25, 2004

Dear Chief Treschuk:

This letter serves to provide permission by the Montgomery County, MD Department of Police 9-1-1 Emergency Communications Center (ECC), to the City of Rockville, MD, to contact with Verizon and be provided the 9-1-1 Automatic Number Identification (ANI) and Automatic Location Identification (ALI) database, for the residence and business telephone numbers located within the corporate limits of Rockville, for use exclusively in the operation of Rockville's newly acquired Reverse 911® community notification system.

If MCP 9-1-1 ECC can assist in any other way, please contact me.

Sincerely,

Steve Souder

Steve Souder, Director
Communications Division/9-1-1ECC

Copy: Chief Manger
A/C King
John Crabill





MAYOR AND COUNCIL AGENDA

NO. **7(B)** DEPT.: Public Works / General Maintenance

DATE: July 20, 2004

ACTION: Award of Contract No. 4506010003DD
(Montgomery County)
TO: F. O. Day Bituminous Company
OF: Rockville, Maryland
AMOUNT: Not to Exceed \$54,000.00
FOR: Bituminous Concrete – FY 2005 Roadway
Maintenance

ACTION STATUS:

FOR THE MEETING OF: 7/26/2004

INTRODUCED
PUB. HEARING
INSTRUCTIONS
APPROVED
EFFECTIVE

ROCKVILLE CITY CODE,
CHAPTER
SECTION

☒ **CONSENT AGENDA**

RECOMMENDATION:

The staff recommends approval to enter into a requirements contract for bituminous concrete products with fixed unit pricing with F. O. Day Bituminous Company under Montgomery County Bid No. 4506010003DD in the amount not to exceed \$54,000.00 for the period ending June 17, 2005 with the option to extend for two additional one-year periods subject to approval of funds.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

Sufficient funds are available in the following account numbers:

110-850-0702-0323 - \$42,000

210-850-0502-0232 - \$ 6,000

220-850-0602-0232 - \$ 6,000

BACKGROUND:

Bid Distribution: Not applicable.

Project Description: The purpose of this bid is to provide 2,000 tons of bituminous concrete for the FY 2005 roadway maintenance requirements.

Current Vendor: The current vendor is F. O. Day Bituminous Company.

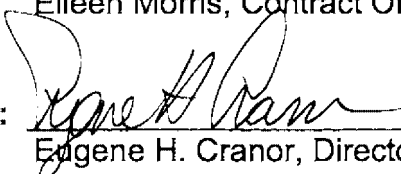
References: We have used F. O. Day Bituminous Company for the last several years with entirely satisfactory results.

PREPARED BY: Steve Sokol
Steve Sokol, Operations Maint. Asst. Supt.

7/20/2004
Date

CONCUR: 
Eileen Morris, Contract Officer

7/20/2004
Date

APPROVE: 
Eugene H. Cranor, Director of Public Works

7/20/2004
Date

APPROVE: 
Catherine Tuck Parrish, Acting City Manager

7/20/04
Date

LIST OF ATTACHMENTS:

None



MAYOR AND COUNCIL AGENDA

NO. **7(c)** DEPT.: Public Works / Contract Management

DATE: July 20, 2004

ACTION: Approve second (and final) modification of
Purchase Order #27111.

TO: Richard F. Kline, Inc.

OF: Frederick, Maryland

AMOUNT: \$125,756.97

FOR: Additional work under the FY 2004 Asphalt
Maintenance Program, Bid #16-04

ACTION STATUS:

FOR THE MEETING OF: 7/26/2004

INTRODUCED

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER

SECTION

☒ **CONSENT AGENDA**

RECOMMENDATION:

Staff recommends approval of this second and final modification to Purchase Order #27111, to Richard F. Kline, Inc. of Frederick, Maryland, in the amount of \$125,756.97, for additional work (as described below) under the FY 2004 Asphalt Pavement Maintenance Program, Bid #16-04.

IMPACT: ☐ Environmental ☒ Fiscal ☒ Neighborhood ☐ Other:

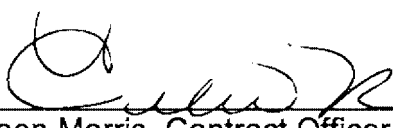
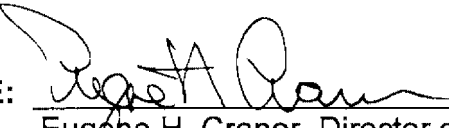
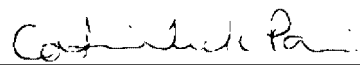
Adequate funding exists in CIP account number 420-850-8H11 for the City's continuing Asphalt Pavement Maintenance Program. Neighborhood impact is limited to daily restrictions of parking on affected streets and traffic delays for temporary lane closures and work zone safety.

BACKGROUND:

Staff publicly advertised Bid #16-04 for the City's annual Asphalt Maintenance Contract in the spring of this year. Mayor and Council approved the award of Bid #16-04, in the amount of \$532,114.00. Purchase Order #27111 was subsequently issued to Richard F. Kline, Inc. of Frederick, Maryland and work began in early September 2003. Substantial completion of the "smoothseal" portion of the work was accomplished by October 24, 2003.

Staff requested and received approval from the City Manager for the first modification to this purchase order in late October 2003, in the amount of \$52,500.00 (or 9.8% of the original Purchase Order) to add three items of work and cover some minor cost over-runs. The original approval memo is attached for reference.

Staff traditionally adds work to this project as funding allows and as contractor's schedules permit. Staff had the opportunity to direct the contractor to do two additional roadways which had deteriorated significantly in the past two years. These streets were Ardennes Avenue (from the City limits to Viers Mill Road) and Mannakee Street (from MD 355 to the limits of the Montgomery College Property). The work done included the complete removal of all existing smoothseal that had built up over several applications, extensive base repairs, and new asphalt surface. The combined cost was \$125,756.97 bringing the total of modifications to \$178,256.97 or 33.5% of the original contract price and thus requires Mayor and Council approval.

PREPARED BY:	<u>Michael Wilhelm</u>	<u>7/20/2004</u>
	Michael Wilhelm, PE, Chief, Contract Management	Date
CONCUR:	<u></u>	<u>7/20/2004</u>
	Eileen Morris, Contract Officer	Date
APPROVE:	<u></u>	<u>7/20/04</u>
	Eugene H. Cranor, Director of Public Works	Date
APPROVE:	<u></u>	<u>7/20/04</u>
	Catherine Tuck Parrish, Acting City Manager	Date

LIST OF ATTACHMENTS:

Memorandum for first modification of Purchase Order #27111, dated October 24, 2003.



City of Rockville
M E M O R A N D U M

October 27, 2003

TO: W. Mark Pentz, City Manager

FROM: Michael Wilhelm, PE, Chief, Contract Management Division *MW*

VIA: Eugene H. ~~Cramer~~ *EH*, Director of Public Works

SUBJECT: Modification to Purchase Order #27111

Staff publicly advertised Bid #16-04 for the City's annual Asphalt Maintenance Contract in the spring of this year. Mayor and Council approved the award of Bid #16-04, in the amount of \$532,114. Purchase Order #27111 was subsequently issued to Richard F. Kline, Inc. of Frederick, Maryland and the work began in early September. Substantial completion of the "smoothseal" portion of the work was accomplished as of Friday, October 24.

Staff includes wording in the bid that allows us to add small projects or other additional asphalt work beyond the original planned scope as the need arises. This allows us to take advantage of the lower unit prices to get these small "odd jobs" completed in a quick and efficient manner. Three specific small projects have been added (to date) to this year's contract. These are:

- Mill and overlay a 100 foot stretch of Chapman Avenue with a new 2" asphalt course to facilitate the construction of a new, lighted pedestrian cross-walk. Another contractor under the direction of the Transportation Division is doing the actual crosswalk. The Cost is \$14,500.00 and funding is provided in CIP account 420-850-4B71.
- Mill and overlay of a 150 foot stretch of Fleet Street, between Monroe Street and Park Avenue. This work, and the funding for it was transferred from the Mount Vernon SWM and Sewer project as that Contractor was not able to perform the work. The Cost is \$15,500.00 and funding is provided in CIP account 220-850-4A45.
- Install 2 speed humps on Maple Avenue. The cost is \$3,500 and funding is from 420-850-4B71.

In addition to these three specific items, we exceeded our original bid price for the 1/2" asphalt thin overlay (what we used to call smoothseal) by approximately \$19,000.00. The additional funds are

TO: W. Mark Pentz, City Manager

Oct. 27, 2003

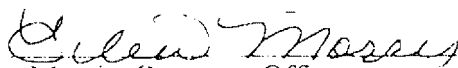
Page 2

available in the Asphalt Maintenance Program, 420-850-8111. This over-run is based on minor variations of unit quantities.

Total additional cost to date is \$52,500, bringing the total value of PO#27111 to date to \$584,614.

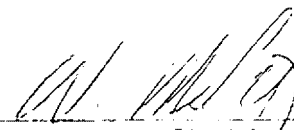
Although the thin layer portion of the paving contract is substantially complete, staff reserves the right to continue to add extra work to this contract as the need arises in accordance with the terms of our contract.

CONCUR:


Eileen Morris, Contracts Officer

Date 10/28/03

APPROVE:


W. Mark Pentz, City Manager

Date 10/28/03



MAYOR AND COUNCIL AGENDA

NO. **160** DEPT.: Public Works / Environment

DATE: July 20, 2004

ACTION: Award of Bid #46-04
TO: Rustler Construction, Inc.
OF: Lanham, Maryland
AMOUNT: \$511,987.00
FOR: North Horners Lane Water Main
Improvements

ACTION STATUS:
FOR THE MEETING OF: 07/26/2004
INTRODUCED
PUB. HEARING
INSTRUCTIONS
APPROVED
EFFECTIVE
ROCKVILLE CITY CODE,
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☒ **CONSENT AGENDA**

RECOMMENDATION:

Staff recommends award of Bid #46-04 to Rustler Construction, Inc. of Lanham, Maryland in the amount of \$511,987.00 for the North Horners Lane Water Main Improvements.

IMPACT: ☐ Environmental ☒ Fiscal ☒ Neighborhood ☐ Other:

Funding is available for this project in CIP account number 210-850-0B34.

Neighborhood impact is limited to temporary lane closures and temporary water service interruptions. Advisories will be mailed out to the adjacent community with project scheduling information and temporary construction inconveniences. Properties affected by this work are primarily residential.

BACKGROUND:

Bid Distribution: Notification of the bid was mailed to 32 prospective contractors. One Rockville company was notified of the project. Bid notification also was posted on the City's Web site.

<u>Bid Received:</u>	Rustler Construction, Inc.	Lanham, Maryland	\$511,987.00
	Sagres Construction Corp	Alexandria, Virginia	\$535,100.00
	A&M Concrete Corp	Falls Church, Virginia	\$1,006,300.00

The engineer's estimate was \$523,711.50.

Project Description: The City of Rockville hired Pitometer & Associates to complete a study of the City's water distribution system based upon demand through 2010. This study, entitled "Pitometer Report on the Water Distribution System," was accepted by the Department of Public Works in 1994. The report included recommendations to upgrade the existing 8-inch water main to a 12-inch water main in North Horners Lane from Southlawn Lane to Westmore Road. The upgrade will increase the fire flow capacity to American Water Works Association (AWWA) standards.

Reference: Staff contacted three references for work similar to that to be undertaken by this project. All responses were positive.

PREPARED BY: John W. Hollida
John W. Hollida, Civil Engineer II

7/20/2004
Date

CONCUR: Eileen Morris
Eileen Morris, Contracts Officer

7/20/2004
Date

APPROVE: Eugene H. Cranor
Eugene H. Cranor, Director of Public Works

7/20/04
Date

APPROVE: Catherine Tuck Parrish
Catherine Tuck Parrish, Acting City Manager

7/20/04
Date

LIST OF ATTACHMENTS:

None



MAYOR AND COUNCIL AGENDA

NO. **7(E)** DEPT.: Recreation and Parks

DATE: July 22, 2004

ACTION: Award of Bid No. IFB 69-04
TO: Custom Park Services, Inc.
OF: Jessup, Maryland
AMOUNT: \$153,015
FOR: Removal and Replacement of Playground
Equipment at Elwood Smith Park and
Maryvale Park

ACTION STATUS:
FOR THE MEETING OF: 7/26/04
INTRODUCED
PUB. HEARING
INSTRUCTIONS
APPROVED
EFFECTIVE
ROCKVILLE CITY CODE,
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SECTION
☒ **CONSENT AGENDA**

RECOMMENDATION: Staff recommends award of Bid 69-04 to the second lowest bidder, Custom Park Services, Inc. of Jessup, Maryland in the amount of \$153,015 to remove and replace playground equipment at Elwood Smith Park and Maryvale Park.

IMPACT: ☐ Environmental ☒ Fiscal ☒ Neighborhood ☐ Other:

Fiscal: Sufficient funds are budgeted in the Capital Improvements Project Account 420-900-4G61.

Neighborhood: This will improve the quality of play and safety at these City parks.

BACKGROUND: Invitations to Bid were mailed to 128 firms, five of which were Rockville firms. Sealed bids were received and opened on May 26, 2004 at 2:30 p.m. in the Boards and Commissions Conference Room. Three bids were received, as follows:

Order	Contractor	Location	Total
1.	Leffler Construction *	Laurel MD	\$133,415
2.	Custom Park Services, Inc.	Jessup MD	\$153,015
3.	Triple J. Construction, Inc.	Gaithersburg MD	\$167,614

* **Note:** Leffler Construction was disqualified because the equipment offered did not meet the minimum specifications, as required. Additionally, Leffler did not submit a complete bid package (required submittals were not provided).

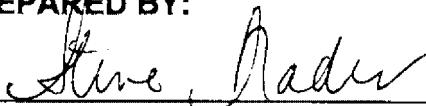
Project Description: This project provides for all labor, materials, equipment, demolition and removal of existing units and safety undersurface, excavation, installation, inspection, incidentals, and guarantee for new play structures, including four benches, border panels, playground safety signs, safety undersurfaces and compliance certificates at Elwood Smith Park and Maryvale Park with a completion date of September 10, 2004.

A committee of residents from the communities near Elwood Smith Park and Maryvale Park assisted City staff with the design of these two replacement playgrounds.

Staff Budget Estimate: \$135,000 Prices for this equipment are affected by higher steel, concrete, and fuel costs. Funds will be transferred from the Ballfield Improvement project, which had funds available due to the postponement of a drainage improvement project. The drainage project was postponed in order to study and confirm effects on adjacent storm water management engineering.

References: Custom Park Services, Inc. has provided satisfactory services on previous playground equipment replacement projects for the City of Rockville.

PREPARED BY:

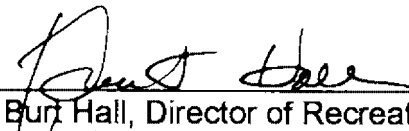


Steve Mader, Superintendent of Parks and Facilities

7-27-04

Date

APPROVE:



Burt Hall, Director of Recreation and Parks

7-22-04


Date



Eileen Morris, Contracts Officer

7-22-04

Date



Catherine Tuck-Parrish, Acting City Manager

7/22/04

Date

LIST OF ATTACHMENTS: None



MAYOR AND COUNCIL AGENDA

NO. **7(F)**

DEPT.: Recreation and Parks

DATE: July 22, 2004

ACTION: Award of Bid #72-04
TO: Bob Porter Company, Inc.
OF: Woodbine, MD
AMOUNT: \$1,442,977
FOR: Renovations and Improvements to
Rockville City Hall

ACTION STATUS:
FOR THE MEETING OF: 7/26/04
INTRODUCED
PUB. HEARING
INSTRUCTIONS
APPROVED
EFFECTIVE
ROCKVILLE CITY CODE,
CHAPTER
SECTION
☒ **CONSENT AGENDA**

RECOMMENDATION: Staff recommends award of Bid #72-04 to Bob Porter Company, Inc., of Woodbine, MD, in the low bid amount of \$1,442,977, for renovations and improvements to Rockville City Hall. Staff recommends that none of the add alternates be awarded.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☒ Other:

Fiscal: Funding is approved in the Capital Improvements Program, Project #420-900-9B91.

Neighborhood: The only change to the exterior of the City Hall building will be the addition of a fire egress stair on the west side of the building. This stair will be architecturally compatible with the existing building. There will be no additional staff assigned to work at City Hall as a result of this project, so parking capacity and traffic will not be affected.

Other – Code Compliance: In addition to providing needed additional workspace for employees, and expanded meeting rooms, this project will correct ADA and life-safety code problems with the existing building, including the construction of a new fire stair from level 3 on the south side of the building, installation of fire sprinklers in areas not now covered, enclosure of the atrium, and improvements to bathrooms and other areas to comply with ADA standards.

BACKGROUND: Bids were mailed to a total of 105 contractors, 9 of which are located in Rockville. In addition, the bid was advertised in Blue Report, Bid Net, and Construction Market Data. Bidders were required to be pre-qualified, based on (1) previous project experience, (2) experience of principals, (3) capacity to meet scheduling requirements, and (4) financial soundness. Seven firms, none of which is located in Rockville, submitted Qualification Packages. These proposals were rated by a committee consisting of City staff and the project architect team. All seven firms were rated as qualified to participate in the second phase of the procurement process, in which each firm received bid documents and was requested to submit a priced proposal. Six bids were received as follows:

<u>Contractor</u>	<u>Location</u>	<u>Base Bid</u>	<u>Alt. 1*</u>	<u>Alt 2*</u>	<u>Alt 3*</u>
Bob Porter Co., Inc.	Woodbine, MD.	\$1,442,977	\$25,000	\$3,900	\$35,000
Patriot Group Cont., Inc.	Beltsville, MD	\$1,611,777	\$26,000	\$4,000	\$30,000
The Warren-Young Group, Inc.	Gaithersburg, MD	\$1,628,766	\$23,000	\$30 each	\$23,500
Coakley-Williams Cont., Inc.	Gaithersburg, MD	\$1,698,000	\$36,000	\$5,000	\$33,000
Sigal Construction Corp.	Washington, D.C.	\$1,980,000	\$20,000	\$6,000	\$20,000
The J.G. Garcete Co., Inc.	Washington, D.C.	\$1,989,000	\$29,500	\$10,000	\$35,000

*Add Alternate #1: Replace existing skylight over atrium area.

Add Alternate #2: Provide corner guards.

Add Alternate #3: Wood paneling in lobby.

Project Description: This project will provide renovations and improvements to Rockville City Hall, including necessary life-safety code and ADA compliance upgrades, as follows:

- A. Construction of a new exterior fire egress stair from level 3, south side of building, and limited adjacent office renovations to bring the building into life safety code compliance. Installation of sprinklers in the Mayor and Council Chambers and other areas not now covered.
- B. On level 3, the work includes the infill of the existing interior atrium space, the construction of a new communicating staircase between levels 3 & 2, construction of a new reception desk and public meeting rooms, the relocation of the existing TV studio to a location adjacent to the Mayor and Council Chambers; renovations to the Finance and Information Technology Departments, and ADA-renovations to the bathrooms adjacent to the Information Technology Department.
- C. On level 2, the work includes renovations to the Personnel, Community Planning and Development Services, and Public Works Departments; construction of public meeting rooms, and relocation/ADA-renovations to the bathrooms located adjacent to CPDS.

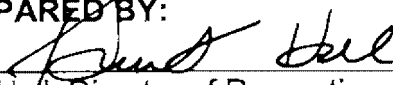
The project will be constructed in three major phases over a period of approximately 15 months. While work is done on department workspaces, staff will be relocated to temporary offices. Parking spaces on the south side of the building will be temporarily blocked to provide a construction staging area. Some staff will be assigned to park off site during the construction period. Mayor and Council, visitor, handicap and carpool parking spaces will be maintained at current levels throughout construction.

City Hall will remain open and fully accessible throughout all phases of construction, with the exception of some brief periods. All life-safety code requirements will be maintained throughout construction.

Project Budget Estimate: \$1,500,000

References: Bob Porter Company, Inc. was pre-qualified as a finalist bidder based on (1) previous project experience, (2) experience of principals, (3) capacity to meet scheduling requirements, and (4) financial soundness. Staff checked references for Bob Porter Company, Inc. and found the company to highly rated and experienced in this type of office building renovation project.

PREPARED BY:


Burt Hall, Director of Recreation and Parks

7/22/04
Date

APPROVE:


Eileen Morris, Contract Officer

7/22/04
Date

Cathy Tuck Parrish
Catherine Tuck Parrish, Acting City Manager

7/22/04
Date

LIST OF ATTACHMENTS:



MAYOR AND COUNCIL AGENDA

NO. **7(6)** DEPT.: Legal/ Community Planning and Development Services DATE: July 12, 2004

Contact: Deane Mellander, Planner III

ACTION: Introduction of Ordinance: Zoning text amendment TXT2003-00204: to amend the Zoning Ordinance to allow new uses in the C-1 Zone, with a limitation of 5,000 square feet per establishment- Auctioneer, and commercial galleries; health and fitness; indoor entertainment establishment, commercial; interior decorator, including the display and sale of furniture; libraries, museums, art galleries; recreational establishment, indoor, commercial; rental halls; and to delete section 25-323; Shulman Rogers Gandal Pordy & Ecker, P.A., applicants.

ACTION STATUS:

FOR THE MEETING OF: 7/26/04

INTRODUCED

PUB. HEARING 3/15/04,
4/19/04

INSTRUCTIONS 7/12/04

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER 25

SECTION 319, 323

☒ CONSENT AGENDA

RECOMMENDATION: Introduce ordinance to adopt text amendment.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other: Retail shoppers

Will allow larger tenant areas up to 5,000 square feet in the C-1 Zone for certain types of uses.

BACKGROUND: At present, the C-1 Zone allows for limited retail and service facilities convenient to residential neighborhoods. Offices are limited to no more than 25% of the total floor area, and cannot exceed 4,500 square feet. In addition, the retailing of computers, shoes, variety and dry goods, clothing, music and recordings, jewelry, photographic studios, opticians, private postal services, interior decorators and photo processing are limited to no more than 2,500 square feet for each establishment. The applicant is proposing to allow additional uses in the C-1 Zone with a floor area limitation of 5,000 square feet. These uses are as follows: Auctioneer, and commercial galleries; health and fitness; indoor entertainment establishment, commercial; interior decorator, including the display and sale of furniture; libraries, museums, art galleries; recreational establishment, indoor, commercial; rental halls. Note that interior decorators would be expanded from the current 2,500 square foot limitation.

Staff reviewed the proposed text amendment and recommended modifications to clarify the language and intent of the proposed text amendment. The Planning Commission reviewed the text amendment at their meeting on February 25, 2004. The Commission recommends approval of the text amendment with the modifications recommended by the staff. Their recommendation is attached.

At the end of the public hearing session on March 15, 2004, the Mayor and Council directed staff to provide the nearby civic associations with copies of the proposed text amendment and the Planning Commission's recommendation. These letters were mailed on March 17, 2004. The hearing was continued to April 19 so that any additional testimony could be received into the record.

One issue raised at the March 15 session was whether the proposed text amendment would affect the Rockshire shopping center. The proposed language in section 25-319 (b) reads, in part, as follows: Within a shopping center of 50,000 square feet or more located in the C-1 Zone, the following uses shall occupy not more than 5,000 square feet each: (emphasis added)... Since the Rockshire center is in the R-90 zone, the provision allowing these additional uses does not apply.

The public hearing record closed on May 3, 2004. Other than the applicant's representative, there were only two speakers, who spoke at the March 15 session. William Meyer testified about his concern regarding the targeted nature of the text amendment, and that better notice of the hearing was needed. Also, he recommended that the provision allowing sale of alcoholic beverages be deleted. James Hedley from Rockshire wanted to be assured that the provisions of the text amendment would not apply to the Rockshire shopping center.

At the Discussion and Instruction session on July 12, 2004, the Mayor and Council instructed staff to proceed with preparation of an ordinance for adoption to be introduced at the July 26 meeting.

PREPARED BY:

Deane E. Mellander
Deane Mellander, Planner III

7/13/04
Date

APPROVE:

Robert J. Spalding
Robert J. Spalding, AICP, Chief of Planning

7.14.4
Date

APPROVE:

Arthur D. Chambers
Arthur D. Chambers, AICP, CPDS Director

7/18/04
Date

APPROVE:

Catherine Tuck Parrish
Catherine Tuck Parrish, Acting City Manager

7/21/04
Date

LIST OF ATTACHMENTS:

1. Proposed ordinance to adopt the text amendment.
2. Proposed Ordinance as modified by the Planning Commission.
3. Letter of March 17, 2004 to the Fallsridge, Potomac Springs, and Potomac Woods civic associations.
4. Letter of March 15, 2004 from David Freishtat.
5. Planning Commission recommendation.
6. Staff report to the Planning Commission with recommended modifications to the proposed ordinance.
7. Zoning Text Amendment Application.
8. Proposed Ordinance by applicant.
9. Letter of November 18, 2003 from David Freishtat requesting the text amendment.

Ordinance No. _____

ORDINANCE: To Grant Text Amendment Application No. TXT2003-00204, as amended, David D. Freishtat, Attorney for Seven Locks Plaza, LC, Applicant

WHEREAS, David D. Freishtat, Attorney for Seven Locks Plaza, LC, 11921 Rockville Pike, Third Floor, Rockville, Maryland 20852, filed Text Amendment Application TXT2003-00204, for the purpose of allowing additional uses in the C-1 Zone; and

WHEREAS, the Mayor and Council of Rockville reviewed the aforesaid application at its meeting of December 8, 2003, and accepted the application for further processing; and

WHEREAS, the Planning Commission reviewed the proposed text amendment application at its February 25, 2004, meeting and recommended approval, with modifications, as set forth in a memorandum dated February 26, 2004; and

WHEREAS, pursuant to Article 66B of the Annotated Code of Maryland, the Mayor and Council of Rockville gave notice that a hearing on said application would be held by the Mayor and Council in the Council Chambers at Rockville City Hall on March 15, 2004, at 7:00 p.m. or as soon thereafter as it may be heard; and

WHEREAS, on March 15, 2004, said application came on for hearing at the time and place provided for in said advertisement; and

WHEREAS, the Mayor and Council continued the public hearing until April 19, 2004; and

WHEREAS, on April 19, 2004, said application came on for the continuation of the public hearing; and

WHEREAS, the Mayor and Council having considered the text amendment application, and the entire file pertaining thereto, said Mayor and Council having decided that the granting of this application, as amended, in the form set forth below would promote the health, safety and welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Text Amendment Application No. TXT2003-00204 be, and the same is hereby, granted, as amended, in the form set forth below.

SECTION 1. That Chapter 25 of the Rockville City Code entitled "Zoning and Planning," Section 25-319, "General and professional offices in C-1 zone" be amended to read as follows:

Sec. 25-319. [General and professional offices in C-1 Zone.] Limitations on certain uses in the C-1 Zone.

(a) General and professional offices including medical and dental clinics shall occupy no more than twenty-five (25) percent of the gross floor area of any building constructed in the C-1 Zone, and in no event more than four thousand five hundred (4,500) square feet of the gross floor area for each tenant of such building.

(b) Retailing of computers and accessories, including repair; auctioneer and commercial gallery; interior decorator; jewelry, including repair; luggage, including repair; music, musical instruments and accessories and recordings; optician; pets; photographic processing; photographic studio; private postal service; shoes; sporting goods; variety and dry goods, and wearing apparel in the C-1 Zone shall occupy not more than two thousand five hundred (2,500) square feet for each establishment. Within a shopping center of fifty thousand (50,000) square feet or more located in the C-1 Zone, the following uses shall occupy not more than five thousand (5,000) square feet each; retailing of alcoholic beverages for consumption off the premises; auctioneer and commercial galleries; health and fitness establishment; indoor entertainment establishments, commercial, except shooting gallery or range; interior decorator, including the display and sale of furniture as an accessory use; libraries, museums, art galleries; recreational establishment, indoor, commercial, except shooting gallery or range; and rental halls for meetings and social occasions.

SECTION 2. That Chapter 25 of the Rockville City Code entitled "Zoning and Planning" be amended by deleted Section 25-323 in its entirety as follows:

[Sec. 25-323. Limitation on certain uses in the C-1 Zone.

Retailing of computers and accessories including repair; shoes; variety and dry goods; wearing apparel; music, musical instruments and accessories and recordings; jewelry, including repair; photographic studio; optician; private postal service; interior decorator; and photographic

process in the C-1 Zone shall occupy not more than two thousand five hundred (2,500) square feet for each establishment.]

Note: [Brackets] indicate material deleted
Underlining indicates material added

I hereby certify that the foregoing is a true and correct copy of an
Ordinance adopted by the Mayor and Council at its meeting of

Claire F. Funkhouser, City Clerk

Text Amendment TXT2003-00204 with Modifications Recommended by Planning Commission.

Section 25-319. [General and professional offices in C-1 Zone.] Limitations on certain uses in the C-1 Zone.

- (a) General and professional offices including medial and dental clinics shall occupy no more than twenty five (25) percent of the gross floor area of any building constructed in the C-1 Zone, and in no event more than four thousand five hundred (4,500) square feet of the gross floor area for each tenant of such building.
- (b) Retailing of computers and accessories, including repair; auctioneer and commercial gallery; interior decorator; jewelry, including repair; luggage, including repair; music, musical instruments and accessories and recordings; optician; pets; photographic processing; photographic studio; private postal service; shoes; sporting goods; variety and dry goods, and wearing apparel in the C-1 Zone shall occupy not more than two thousand five hundred (2,500) square feet for each establishment. [In all contiguous C-1 Zones] Within a shopping center of 50,000 square feet or more located in the C-1 Zone, the following uses shall occupy not more than 5,000 square feet each: retailing of alcoholic beverages for consumption off the premises; auctioneer and commercial galleries; health and fitness establishment; Indoor entertainment establishments, commercial, except shooting gallery or range; interior decorator, including the display and sale of furniture as an accessory use; libraries, museums, art galleries; recreational establishment, indoor, commercial, except shooting gallery or range; and rental halls for meetings and social occasions.

Sec. 25-323. [Limitations on certain uses in the C-1 Zone.] Reserved.

[Retailing of computers and accessories including repair; shoes; variety and dry goods; wearing apparel; music, musical instruments and accessories and recordings; jewelry, including repair; photographic studio; optician; private postal service; interior decorator; and photographic process in the C-1 Zone shall occupy not more than two thousand five hundred (2,500) square feet for each establishment.]

Note: [Brackets] indicate material deleted
Underlining indicates material added
 [[Double brackets]] indicate material deleted after introduction
Double underlining indicates material added after introduction



March 17, 2004

Dear Civic Association President:

A proposed zoning ordinance text amendment, TXT2003-00204, has been filed with the City. This text amendment would add additional uses in the C-1 (Local Commercial) Zone, and allow some uses to occupy up to 5,000 square feet of floor area. The text amendment applies only to shopping centers in the C-1 Zone exceeding 50,000 square feet of floor area. At present, the only local shopping center that meets this criteria is the Potomac Woods Shopping Center at Seven Locks Road and Fortune Terrace.

The Planning Commission considered this text amendment at its meeting on February 25, 2004 and recommended approval with the modifications recommended by the planning staff. The Commission's recommendation is attached to this letter.

The Mayor and Council opened the public hearing on this text amendment at their meeting on March 15, 2004. Testimony was taken from two individuals and the applicant. In order to be assured that all interested parties be given the opportunity to submit testimony, the Mayor and Council directed staff to contact surrounding civic associations with the background information. The hearing will be reconvened on April 19. Any testimony may be submitted by letter or in person at the April 19 session or prior to April 20, 2004 when the public record will be closed.

Attached for your information is the original letter of request from the applicant, the staff report to the Planning Commission, and the Planning Commission's recommendation to the Mayor and Council. Written testimony should be submitted to the City Clerk's office. If you wish to sign up to speak at the April 19 session, please contact the City Clerk's office at 240-314-8281. If you have questions regarding the text amendment or the process, please contact Deane Mellander of the planning staff at 240-314-8224 or by e-mail at: dmellander@rockvillemd.gov.

Sincerely,

Robert J. Spalding, AICP
Chief of Planning

cc: Mayor and Council
Catherine Tuck Parrish

Attachments

City of Rockville
Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Community Planning and
Development Services
240-314-8200
TTY 240-314-8197
FAX 240-314-8210

Historic Preservation Office
240-314-8230

Information Services Division
240-314-8240

Long Range Planning
Division
240-314-8200

Planning Division
240-314-8220

Urbanization/Housing
Division
240-314-8200

MAYOR
Larry Giammo

COUNCIL
Robert E. Dorsey
John F. Hall, Jr.
Susan R. Hoffmann
Anne M. Robbins

DEPUTY CITY MANAGER
Catherine Tuck Parrish

CITY CLERK
Suzanne F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

SHULMAN ROGERS & GANDAL PORDY & ECKER, P.A.

Lawrence A. Shulman
Donald R. Rogers
Karl L. Ecker*
David A. Pordy*
David D. Freishtat
Morton P. Schaffer
Christopher C. Roberts
Jeffrey A. Shanc
Edward M. Hansen, Jr.
David M. Kochanski
James M. Kefauver
Robert B. Canter
Daniel S. Krakower
Kevin P. Kennedy
Alan B. Sternstein
Nancy P. Regelin

Samuel M. Spintos*
Marvin Levine
Worthington H. Talbot, Jr.*
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James M. Hoffman
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Ross D. Cooper
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Karl J. Prohl, Jr.*
Timothy Dugan*
Kim Viti Fiorentino
Sean P. Sherman*

Gregory D. Grant*
Rebecca Oshway
Ashley Joel Gardner
Michael J. Froehlich
William C. Davis, III
Patrick M. Marryn
Sandy David Baron
Christine M. Sorge
Michael L. Kabik
Jeffrey W. Rubin
Simon M. Nadler
Scott D. Muscles
Karl W. Means
Debra S. Friedman*
Matthew M. Moore*
Daniel H. Handman

Eric J. von Vorys
Michelle R. Curtis*
Gary L. Horowitz
Jason M. Kerben
Mark S. Guberman
Cara A. Fryer*
Sarit Keinan
Heather L. Howard
Stephen A. Metz
Hong Suk "Paul" Chung
Lisa C. DeLussio*
Patrick J. Howley
Glenn W.D. Golding*
Carmen J. Morgan*
Kristin E. Draper*
Heather L. Spurrier*

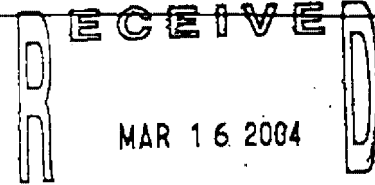
Of Counsel
Larry M. Gandal
Leonard R. Goldstein
Richard P. Meyer*
William Robert King
Larry A. Gordon*
David E. Weisman
Lawrence Eisenberg
Deborah L. Moran
Karen M. Doherty*
Mimi L. Magyar

*Maryland and D.C.
except as noted:*
* Virginia also
* Maryland only
* D.C. only
† Retired

Writer's Direct Dial Number:

301-230-5206

dfreishtat@srgpe.com



March 15, 2004

COMMUNITY PLANNING
AND DEVELOPMENT SERVICES

The Honorable Larry Giammo, Mayor
City of Rockville
Maryland Avenue at Vinson
Rockville, MD 20850

Re: Proposed Zoning Text Amendment TXT 2003-00204; to allow additional uses in the C-1 zone (Local Commercial), with a limitation of 5,000 square feet per establishment

Our File No. 070375.00003

Dear Mr. Giammo:

This Firm represents Seven Locks Plaza, LC, the owner of Potomac Woods Plaza shopping center, a C-1 zoned retail center located on Seven Locks Road. This center is the largest C-1 zoned shopping center in Rockville, comprising 53,828 gross square feet of retail space. It is the only C-1 center in the City that exceeds 50,000 square feet of floor area.

The Potomac Woods Center, due to its size and the dynamics of retailing has suffered large vacancies for the past number of years. The uses permitted in the C-1 are very limited and reflect the market of ten to twenty years ago. The current market for local commercial retail has changed and the zoning ordinance list of permitted uses must also change. Making the requested changes will help to bolster the economic health of this center, and as a result, this area of the City.

Working with your planning staff, the applicant has suggested that the proposed text change will more accurately reflect the needs of this type of retail center, with an expanded list of permitted uses, but limiting the size of each use to no greater than 5,000 square feet of gross leasable area. The usual store size in a local commercial center will range from 3,500 square feet to 4,800 square feet. The new uses that are most likely to be located in the local center will be health and fitness, interior decorator, indoor entertainment. There have been inquiries about a catering or meeting location, sometimes in conjunction with a restaurant. These types of uses would only be successful if the local community supported them, supporting the

SHULMAN
ROGERS
GANDAL
PORTY &
ECKER, P.A.

The Honorable Larry Giammo

March 15, 2004

Page 2

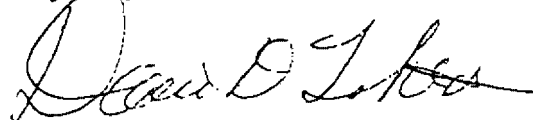
principle that these uses would be appropriate when their size is limited.

Adoption of this change in the language and permitted uses in the C-1 zone will allow this center to be able to compete for more uses, which would otherwise be allowed in the nearby centers located in the County.

We want to thank the Mayor and Council for introducing the text amendment. We note that the Planning Commission and the planning staff have recommended approval of the text change. We hope that you will adopt the change and allow this property to be a more beneficial member of the Rockville business community.

My best regards.

Very truly yours,



David D. Freishtat

DDF/grs

cc: Members of the City Council
Mr. Robert Spalding
Mr. Arthur Chambers ✓



City of Rockville

MEMORANDUM

February 26, 2004

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendation on Zoning Text Amendment TXT2003-00204, to Allow Additional Uses in the C-1, Local Commercial, Zone, with a Limitation of 5,000 square feet per establishment.

At its meeting on February 25, 2004, the Planning Commission considered proposed Zoning Text Amendment No. TXT2003-00204. This text amendment would permit additional uses in the C-1 Zone in shopping centers with a floor area of 50,000 square feet or greater. Certain of these uses are limited to a maximum floor area of 5,000 square feet.

The staff report recommended approval of the text amendment with modifications to clarify the language and conform it to the terminology in the zoning ordinance. The text amendment does allow for some greater flexibility in the provision of uses in local commercial shopping centers, while maintaining limits on the size of individual tenants.

All of the planning commissioners recommend approval of the text amendment as modified. In supporting the text amendment, Commissioner Hilton advised the applicants to involve the neighboring community in the selection of tenants to assure their suitability to serve the neighborhood.

On a motion by Commissioner Mullican, seconded by Commissioner Britton, the Commission recommends by a vote of 6 to 0 that this text amendment be approved.

DM



City of Rockville

MEMORANDUM

February 19, 2004

TO: City of Rockville Planning Commission

FROM: Deane Mellander, Planner III *DM*

VIA: Bob Spalding, AICP, Chief of Planning

SUBJECT: Proposed Zoning Text Amendment TXT2003-00204; To allow additional uses in the C-1, Local Commercial, Zone with a limitation of 5,000 square feet per establishment.

BACKGROUND

The applicant represents the owners of the Seven Locks Plaza shopping center, located on Seven Locks Road. In requesting the text amendment, the applicants have cited the fact that the shopping center suffers from a high vacancy rate which is caused, at least in part, by the limitations the code imposes on the types of uses and their sizes in the C-1 Zone. The Mayor and Council accepted the application for filing at their meeting on December 8, 2003. The public hearing on this text amendment will be held on March 15, 2004.

ANALYSIS

The statement of the applicant, Attachment C, sets forth their rationale for the amendment. The text amendment would allow the following new uses in the C-1 Zone:

The Retailing of:

- Alcoholic beverages for consumption off the premises.
- Pets
- Sporting goods.
- Luggage, including repair.

The following retail sales and personal services:

- Auctioneer and commercial gallery

Interior decorator, including display and sale of furniture.
Private club or lodge.
Rental halls for meetings and social occasions.
Indoor entertainment establishments, commercial, except shooting gallery or range.
Health and fitness establishment.
Recreational establishment, indoor, commercial, except shooting gallery or range.
Upholstering.
Medical and dental clinics.
Ambulance service.
Libraries, museums, and galleries.

All of these new uses, with the exception of alcoholic beverage sales, private clubs, and upholstery, and ambulance service, would be subject to the size limitations proposed in the text amendment. Note that in the applicant's submittal, full-service restaurants, including drive-through, were listed in the land use tables as being allowed by special exception. The applicant does not wish to pursue this use in the C-1 Zone.

The text amendment proposes to eliminate Section 25-323, "Limitations of certain uses in the C-1 Zone", and fold the size restrictions into Section 25-319. This section, currently titled "General and professional offices in C-1 Zone", is proposed to be renamed "Limitations on certain uses in the C-1 Zone." Subsection (a) currently restricts office uses to no more than 25 percent of the gross floor area of the building, with a maximum of 4,500 gross square feet for all office uses in the building. The text amendment modifies this provision by allowing any one tenant to occupy up to 4,500 square feet of the building.

A new subsection (b) is proposed to be added, which provides restriction on the size of certain uses (including the new ones to be added) allowed in the C-1 Zone. The current size restrictions are retained at 2,500 square feet for all of the restricted uses. In addition, the new uses proposed for inclusion in the C-1 Zone are allowed a maximum of 5,000 square feet each if the shopping center is 50,000 square feet or larger.

The added language in subsection (a), denoting the floor area "for each tenant" is essentially a clarification, since the existing language doesn't specify a limitation on tenants, only on the total amount of floor area that can be devoted to office uses.

Subsection (b) takes the restrictions on sizes of certain uses from Section 25-323 and folds them into this new language. This language restricts to 2,500 square feet the space allowed for the following uses:

Retailing of:

Computers and accessories including repair.
Shoes.
Variety and dry goods.

- Wearing apparel.
- Music, musical instruments and accessories and recordings.
- Jewelry, including repair.
- Photographic studio.
- Optician.
- Private postal service.
- Interior decorator.
- Photographic processing.

Under the proposed text amendment these restrictions remain in place, no matter the size of the shopping center. The following uses would be allowed to utilize up to 5,000 square feet of space in a shopping center of 50,000 square feet or larger:

- Auctioneer and commercial galleries.
- Health and fitness establishment.
- Indoor entertainment establishment, commercial.
- Interior decorator, including the display and sale of furniture.
- Libraries, museums, art galleries.
- Recreational establishment, indoor, commercial.
- Rental halls for meetings and social occasions.

For clarification, indoor commercial entertainment establishments is not a defined use, but has been interpreted to mean facilities that could feature items such as video game arcades, pinball machines, and similar uses. A recreational establishment, indoor commercial is defined, as follows: "An activity of an athletic nature for which a fee is paid which takes place inside a building, including baseball batting in cages, basketball, golf driving practice, gymnastics, miniature golf, racquetball, rock climbing, skiing practice, swimming, tennis, volleyball, bowling, billiards or other athletic activity." The rental hall use is essentially a catering facility.

Staff points out that the Seven Locks Center, at 53,828 square feet, is the only shopping center in the C-1 Zone that meets or exceeds the 50,000 square foot threshold. The next largest one is the Woodley Gardens Center, which is 25,200 gross square feet. The Rockshire Center is 56,915 square feet, but it is in the R-90 Zone. Uses authorized in the C-1 are allowed within a PRU. However, the language of the text amendment restricts the added uses only to contiguous C-1 Zones of 50,000 square feet or more. Thus, the staff opinion is that this provision as submitted and with staff recommendations will have no effect on commercial uses in PRU developments with an underlying residential base zone.

As submitted, the staff finds that there are some inconsistencies in the language that need to be clarified. Also, the changes to the land use tables needs to be revised for clarity and consistency.

The intent of the provision in subsection (b) seems to be that the provisions apply to shopping centers with 50,000 or more square feet of gross floor area. The proposed language reads: "In all contiguous C-1 Zones of 50,000 square feet or more...", which implies land area.

Discussions with the applicants have always been in reference to building area. Therefore staff recommends that the language at the beginning of the second sentence in subsection (b) be revised to read as follows: "Within a shopping center of 50,000 square feet or more located in the C-1 Zone, the following uses..." The applicant is also proposing to modify the terminology of interior decorator. Currently, the code allows an interior decorator with maximum floor area of 2,500 square feet. The proposal is to modify the term to read: Interior decorator, including the display and sale of furniture. This would allow the interior decorator to not only display materials, but sell them off the floor. Staff is concerned that this could easily turn into a furniture sales store, rather than a interior decorator showroom. Staff therefore recommends that this term be modified to keep the sales portion subordinate to the decorator use by modifying the use to read: Interior decorator, including the display and sale of furniture as an accessory use. This would only be within this provision in the C-1 Zone. The entry in the land use tables is not amended, since the category is allowed in other commercial and industrial zones without restriction. The staff is has also proposed modifications to the language in Sec. 25-319 to make the terminology of the uses consistent with the entries in the land use tables. Staff also has a concern that allowing the sale of alcoholic beverages without a size limitation may be inconsistent with neighborhood-oriented retail. Staff therefore recommends that the sale of alcoholic beverages be subject to the 5,000 square foot size limitation.

The land use table submitted with the text amendment does not reflect the amendments that were made to the tables by text amendment TXT2003-00196. It also needs some formatting changes to reflect the intent of the application. The staff has prepared the recommended amendments to the text amendment which are shown on Attachment D.

RECOMMENDATION

The staff finds that the proposed text amendment will provide added flexibility to certain retail centers in the C-1 Zone, which will assist in maintaining the viability of these centers. Staff therefore recommends approval of proposed text amendment TXT2003-00204 with the changes recommended by the staff as shown below.

Text Amendment TXT2003-00204 with Modifications Recommended by Staff.

Section 25-319. [General and professional offices in C-1 Zone.] Limitations on certain uses in the C-1 Zone.

- (a) General and professional offices including medial and dental clinics shall occupy no more than twenty five (25) percent of the gross floor area of any building constructed in the C-1 Zone, and in no event more than four thousand five hundred (4,500) square feet of the gross floor area for each tenant of such building.
- (b) Retailing of computers and accessories, including repair; auctioneer and commercial gallery; interior decorator; jewelry, including repair; luggage, including repair; music,

musical instruments and accessories and recordings; optician; pets; photographic processing; photographic studio; private postal service; shoes; sporting goods; variety and dry goods, and wearing apparel in the C-1 Zone shall occupy not more than two thousand five hundred (2,500) square feet for each establishment. [In all contiguous C-1 Zones] Within a shopping center of 50,000 square feet or more located in the C-1 Zone, the following uses shall occupy not more than 5,000 square feet each: retailing of alcoholic beverages for consumption off the premises; auctioneer and commercial galleries; health and fitness establishment; Indoor entertainment establishments, commercial, except shooting gallery or range; interior decorator, including the display and sale of furniture as an accessory use; libraries, museums, art galleries; recreational establishment, indoor, commercial, except shooting gallery or range; and rental halls for meetings and social occasions.

Sec. 25-323. [Limitations on certain uses in the C-1 Zone.] Reserved.

[Retailing of computers and accessories including repair; shoes; variety and dry goods; wearing apparel; music, musical instruments and accessories and recordings; jewelry, including repair; photographic studio; optician; private postal service; interior decorator; and photographic process in the C-1 Zone shall occupy not more than two thousand five hundred (2,500) square feet for each establishment.]

Proposed Change to Land Use Tables, as Recommended by Staff.

	R-E	R-S	R-150	R-75	R-60	R-40	R-30	R-20	R-H	RPC	RPR	C-1	C-2	I-1	I-2	I-3	I-4	O-1	O-2	O-3	TCO-1	TCO-2	TCM-1	TCM-2	C-T
RESIDENTIAL USES ... p. Private club or lodge	S	S								P	P	P	P	S			P	(P)				P	P	P	
COMMERCIAL OFFICE AND INDUSTRIAL USES a. Retail sales and personal services. 1. Retailing of A. Alcoholic beverages for consumption on the premises of any restaurant or delicatessen. A.1. Alcoholic beverages for consumption off the premises.										P	P	P	P	S		S	P	P			P	P	P	P	
b. Lock										P	P	(P)	P									P	P	P	
c. Sporting goods										P	P	(P)	P				(P)					P	P	P	
X. Luggage, including repair										P	P	(P)	P				(P)				P	P	P	P	
7. Auctioneer and commercial gallery										P	P	(P)	P					(P)				P	P	P	
b. Home and business services																									
9. Interior decorator										P	P	(P)	P				P	(P)				P	P	P	
20. Upholstering										P	P	P	P												
d. Medical services										P	P	P	P												
2. Ambulance service										P	P	P	P												
f. Institutional 1. Libraries, museums, art galleries										P	P	(P)	P					P	S			P	P	P	S
Assembly and entertainment 1. Rental halls for meetings and social occasions										P	P	(P)	P			S	S					P	P	P	
2. Indoor entertainment establishments, commercial, except shooting gallery or range										P	P	(P)	P				S					P	P	P	
7. Health and fitness establishment B. Recreational establishment, indoor, commercial, except shooting gallery or range										P	P	(P)	P			P	P	P		P		P	P	P	

Page 7
February 19, 2004

/dem

Attachments: 1. Proposed Text Amendment from Applicant
2. Text Amendment Application
3. Applicant's Statement

APPLICATION TO THE CITY OF ROCKVILLE
FOR A TEXT AMENDMENT
TO THE ZONING AND PLANNING ORDINANCE

THIS APPLICATION MUST BE TYPEWRITTEN OR PRINTED AND NOTARIZED AND SUBMITTED IN DUPLICATE TO THE CITY CLERK FOR FILING. ALL ITEMS MUST BE COMPLETED AND THE FILING FEE MUST ACCOMPANY THIS APPLICATION.

	<u>DO NOT WRITE IN THIS SPACE</u>
David D. Freishtat Shulman, Rogers, Gandal, Pordy & Ecker, P.A.	Application No. <u>TXT03-00204</u>
Name of Applicant Attorney for Seven Locks Plaza LC	Filing Date <u>November 19, 2003</u>
	Filing Fee <u>\$2,500.00</u>
Address 11921 Rockville Pike, Third Floor Rockville, Maryland 20852	Public Hearing Date <u>3/15/03</u>
Telephone Number 301-230-5206	Decision/Date _____

APPLICATION IS HEREBY MADE WITH THE ROCKVILLE MAYOR AND COUNCIL FOR APPROVAL OF A CHANGE IN THE TEXT OF THE ZONING AND PLANNING ORDINANCE OF ROCKVILLE, MARYLAND.

Page 2047 Article 1X Section 25-395(28)(a)

FROM: Which reads as follows:

See Attached

TO: Read as follows:

By: *David D. Freishtat*
Signature of Applicant

Subscribed and sworn before me this 18 day of November, 2003

My Commission Expires: _____
Notary Public *Jenny E. Kamachatis*

JENNY E. KAMACHATIS
Notary Public State of Maryland
My Commission Expires March 15, 2006

PROPOSED TEXT AMENDMENT

AMENDMENTS TO THE C-1 ZONE; ADDITIONAL USES AND EASING OF RESTRICTIONS

Section 25-319

~~General and professional offices in C-1 Zone~~ Limitation on Certain Uses in the C-1 Zone

(a) General and professional offices including medical and dental clinics shall occupy no more than twenty five (25%) percent of the gross floor area of any building constructed in the C-1 zone, and in no event more than four thousand five hundred (4,500) square feet of the gross floor area for each tenant of such building.

(b) Retailing of computers and accessories including repair; auctioneer and commercial gallery; interior decorator; jewelry, including repair; luggage; music, musical instruments and accessories and recordings; optician; pets, photographic processing, photographic studio; private postal service; shoes; sporting goods; variety and dry goods; and wearing apparel in the C-1 Zone shall occupy not more than two thousand five hundred (2,500) for each establishment. In all contiguous C-1 Zones of 50,000 square feet or more, the following uses shall occupy no more than 5,000 feet each: auctioneer and commercial galleries; health and fitness; indoor entertainment establishment, commercial; interior decorator, including the display and sale of furniture; libraries, museums, art galleries; recreational establishment, indoor, commercial; and rental halls.

Section 25-323

~~Limitations on certain uses in the C-1 Zone~~

~~———Retailing of computers and accessories including repair; shoes; variety and dry goods; wearing apparel; music, musical instruments and accessories and recordings; jewelry, including repair; photographic studio; optician; private postal service; interior decorator; and photographic processing in the C-1 Zone shall occupy not more than two thousand five hundred (2,500) square feet for each establishment.~~

RESERVED

[illegible]

SHULMAN ROGERS GANDAL ORDY & ECKER, P.A.

Lawrence A. Shulman
Donald R. Rogers
Karl L. Ecker*
David A. Pordy*
David D. Freishtat
Marvin P. Schaffer
Christopher C. Roberts
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November 18, 2003

The Honorable Larry Giammo
Mayor
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Request for Text Amendment; Changes to C-1 Zone
Our File No. 070375.00003

Dear Mr. Giammo:

This Firm represents Seven Locks Plaza, LC, the owner of the shopping center located at Seven Locks Road and Fortune Terrace. The shopping center is in the C-1 zone. Of the five shopping centers in the City, zoned C-1, it is the largest.

The C-1 zone is relatively restrictive and the center has been suffering with a relatively high vacancy rate, due primarily to the limited number of permitted uses allowed in the zone. The market difference between the local shopping centers, typified by the C-1 zone, and the larger centers, which serve a regional population is characterized not by the limited uses, but more by the limited size of the individual tenants, and the size of their stores.

Our client has been working with members of the planning staff, in reviewing the permitted uses, and deciding which uses would be appropriate for the C-1 zone, but limited in size. Enclosed is a draft text amendment, which has been reviewed by your planning staff, and modified to reflect their concerns, and which we believe will allow the existing local commercial centers to serve their community, but not provide competition for the regional centers. The concern was that the scope of the center and its uses be consistent with a local shopping experience and not allow certain uses to expand beyond their local nature. As a result, the size of certain uses is proposed to be limited, so that they can exist in a local center, but only as a small operation, consistent with the purpose of the zone. Also enclosed is a check in the amount of \$2,500 and the affidavit.

The Honorable Larry Giammo


November 18, 2003

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We request that the Council approve the introduction of this text amendment. It should not be a burden on the staff, since they have already reviewed it and the changes they suggested have been incorporated in this draft.

My best regards.

Very truly yours,



David D. Freishtat

DDF/grs

cc: Mr. Robert Spalding
Mr. Marc Solomon
Mr. Bart Eisner